



To: Hampden Planning Board
From: Dean Bennett, Director of Community and Economic Development
Subject: Sign Revision Recommendations
Date: November 4, 2015

At the Planning Board Ordinance Committee Meeting of October 14, 2015, the following actions were taken:

Committee Action: Motion was made and seconded to forward the draft Sign Revisions to the Planning Board as presented, with the addition of two minor changes on page 4 of the document as noted. Recommendation is "ought to pass". Vote: 5-0.

The drafts Sign Revisions are attached.

In addition, I have attached the email from Attorney Russell explaining why he recommended the wording of 4.8.2.6 that was originally proposed to the Committee.

The Town of Hampden hereby ordains that the following amendments to the Zoning Ordinance be enacted.

Additions underlined

Deletions ~~stricken~~

4.8. Signs. Signs provide vital information to the public, assist in the response and rescue of public safety and engender a sense of place. The following provisions shall apply to signs and billboards in all districts where permitted.

4.8.1. Off-Premises Signs - No off-premises signs shall be erected or maintained in the Town of Hampden except in conformity with *23 MRSA section. 1901-1925 the Maine Traveler Information Services Law*. Off-premises official business directional signs may be located in the Town of Hampden in such locations and in such a manner as allowed under *23 MRSA sections 1901-1925* and under the rules and regulations of the State of Maine Department of Transportation. Provided, however, that off-premises official business directional signs for home occupations are prohibited. Authorization for official business directional signs shall be obtained from the Code Enforcement Officer~~Official~~.

1. Exception for property identification numbers - Each residential premises is allowed a mailbox with the identification number of the property clearly marked on it. If the mail box is on the opposite side of the street of the house or if there is no mailbox, the premises is also allowed an MDOT approved sign post, or similar structure, with numbers that meet the standards of subparagraph a below. Such signs are also allowed on an adjacent parcel with written permission of the landowner.

- a. All non residential uses must display the identification number of the property. The area required by the number is not included in the calculation of the total square footage of the sign.
- b. Approved address numbers shall be placed in a position to be plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background. Address numbers shall be Arabic numerals or alphabet

letters. Numbers shall be a minimum of 4 inches (102 mm) high with a minimum stroke width of 0.5 inch (12.7 mm).

2. *Exception for industrial subdivision entrance sign* - In Planning Board approved

Industrial Subdivisions a sign marking each public street entrance shall be permitted. Such signs shall be limited to 70 square feet per face and shall only contain the name of the subdivision, the name of the public subdivision's street, and owner identification information. The sign may be located in the raised median of the entrance street provided that it is at least 20 feet from the nearest perpendicular traveled way and the sign itself creates no visual barrier from the ground up to a height of 6 feet.

3. *Exception for industrial subdivision directory sign* - In Planning Board approved

Industrial Subdivisions a directory sign marking tenants in the subdivision located near each public street entrance shall be permitted. Such signs shall: be unlighted, be limited to 50 square feet per face, not exceed five feet in height, and shall only contain the name of subdivision, information about the subdivision's management, and the name and address of each subdivision's tenant. The sign may be located in the public right of way provided that it is at least 100 feet from the entrance and does not create a visual barrier to individual lot entrances.

4.8.2. On-Premises Signs - All on-premises signs shall be located and erected in conformity with State Law (23 MRSA sections 1901-1925). In addition the following regulations apply:

1. *Visual obstruction* - No sign shall be erected adjacent to any public way in such a manner as to obstruct clear and free vision or where, by reason of its position, shape, color, illumination, or wording, the sign may interfere with, obstruct the view of, or be confused with any authorized traffic sign, or device or otherwise constitute a hazard to pedestrian or vehicular traffic.

2. *Sign Illumination*: Sign illumination is permitted in all districts, except on properties used for residential purposes, as long it conforms to 4.8.2.1.

~~2.~~ 3. *Visual distraction* - Flashing, moving, or animated signs are prohibited.

~~3.~~ 4. *Height limit* - No sign shall exceed twenty-five (25') feet in height.

~~4.~~ 5. *Size limit* - No sign shall exceed the maximum sign size for the district in which the sign is placed. Freestanding signs are sized of the basis of one sign face. Except that

signs located on-premises but greater than fifty (50') feet from a building and visible from Interstate 95 shall be limited to one sign and shall not exceed one hundred fifty (150) square feet in area or the maximum sign size allowed in the district, whichever is less. Such signs, visible from Interstate 95, shall have no panel dimension greater than twenty (20') feet.

~~5.~~ 6. *Neighborhood nuisance* - No sign shall be ~~erected~~ maintained in a manner in which the operation or illumination thereof may cause nuisance or undue distraction to nearby residents or occupants.

Planning Board Ordinance Committee Recommended Change to 6. Above:

6. Nuisance Signs – No sign shall be erected or maintained in a manner in which the operation or illumination thereof may cause nuisance or undue distraction to nearby residents or occupants.

~~5. *Setbacks*—Signs shall be set back at least eight (8') feet from the street line and other lot lines, except signs on properties adjacent to Residential A, B, or Rural District boundaries. In that case, signs shall be set back from the side lot line at least the distance of the minimum required side yard depth for the district to which they are adjacent and shall be set back from the street line at least eight (8') feet.~~

7. *Roof signs* - Roof signs shall not extend more than ten (10') feet above the roofline.

8. *Changeable Signs* – Are Permitted in all districts, except on properties used for residential purposes.

a. “Changeable sign” means an on-premises sign created, designed, manufactured or modified in such a way that its message may be electronically, digitally, or mechanically altered by the complete substitution or replacement of one display by another on each side.

b. “Display” means that portion of the surface area of a changeable sign that is or is designed to be or is capable of being periodically altered for the purpose of conveying a message.

c. “Message” mean a communication conveyed by means of a visual display of text, a graphic element or pictorial or photographic image.

- d. "Sign assembly" means the display, border, trim and all supporting apparatus, including posts, columns, pedestals and foundation.
- e. "Time and temperature sign" means a changeable sign that electronically or mechanically displays the time and temperature by the complete substitution or replacement of a display showing the time with a display showing the temperature.
- f. The display on each side of a changeable sign:
 - i. May be changed no more than once every 10 seconds;
 - ii. Must change as rapidly as technologically practicable, with no phasing, rolling, scrolling, flashing, display continuous streaming of information, video animation or blending;
 - iii. May consist of alphabetic or numeric text on a plain or colored background and may include graphic, pictorial or photographic images.

4.8.3. Permitted Signs Not Requiring a Permit – The following on-premises signs shall be permitted in all districts without a permit:

1. *Real estate signs* - The following signs relating to the sale, rental or lease of a premises may be displayed on the premises of a premises which is available for sale, rent or lease.
 - a. A single freestanding sign, not over five (5) square feet in area.
 - b. A single wall sign not over three (3) square feet in area.All such signs shall be removed when PURPOSE IS FULFILLED.
2. *Posting signs* - Signs relating to trespassing and hunting.
3. *Residential identification signs* - A single sign denoting the name and/or address of the occupants of residential premises, such sign shall not exceed four (4) square feet in area.
 - a. Or one sign naming the premises where located. Such sign shall not exceed six (6) square feet if it is a wall sign, or four (4) square feet if it is a freestanding sign.
(Examples: Twin Oaks, Fox Fire, Kinsley House, etc.).
4. *Tradesman signs* - A single sign, placed on the premises where construction, repair, or renovation is in progress, which denotes the architect, engineer, contractor, and/or funding source for the work in progress. Such sign shall not exceed sixteen (16) sq.ft. in

area and shall be removed when the work is completed. Federal and state government-mandated signs are exempt.

5. *Traffic signs* - Signs providing traffic and directional information to the public.
6. *Home occupation sign* - In place of the sign allowed in *Article 4.8.3.3.* above, approved home occupations may display a single sign, not over four (4) sq.ft. in area, relating to the home occupation.
7. *For sale signs* - In addition to the sign allowed in *Article 4.8.3.3.* above, residential users may display a single temporary sign, not over four (4) sq.ft. in area, relating to goods or services for sale on the premises, if such sale does not constitute either a business, a home occupation, or a yard sale. Examples of sales falling under this provision are the sale of a used vehicle, the sale of a used appliance, or other occasional sales.
8. *Temporary event signs* - Temporary signs announcing public and semi-public occasional events, ~~political campaigns, candidates, etc.~~ Such signs shall be displayed not more than two (2) weeks before the event and shall be removed within one (1) week after the event. Signs established more than two weeks prior to the announced event shall be deemed unlawful and are subject to removal under *Article 4.8.10.2.*
9. *Political Signs* – Signs bearing political messages relating to an election, primary or referendum may be placed per 23 MRSA §1913-A and Maine DOT Department Regulations as follows:
 - a. May be erected on private property outside the Right of Way limits of public ways at any time prior to an election, primary or referendum, limited in size to a maximum surface area of 50 square feet;
 - b. May be erected within the Right of Way limits of public ways no sooner than six (6) weeks prior to an election, primary or referendum and must be removed no later than one (1) week following that date of the election, primary or referendum. Provided, however, that political signs may not be located within the right-of-way limits of any Controlled Access Highway (Route 202 from I-395 to Western Avenue) or within any right-of-way limit of the Interstate Highway System.

10. Personal Signs-Signs bearing political, religious, ideological or personal messages by the owner(s) or occupant(s) of a property, limited in size to a maximum surface area of 50 square feet.

11. Prohibited Practices-Signs allowed by this Section 4.8.3 shall be subject to the following:

- a. Shall not be erected or maintained on any traffic control signs or devices, public utility poles or fixtures, upon any trees or painted or drawn upon rocks or other natural features;
- b. No person shall place, maintain or display upon or in view of any highway any unauthorized sign, signal, marking or device which purports to be or is an imitation of or resembles an official traffic-control device, such as a stop sign;
- c. Political signs may be displayed to view to all public ways except that such signs may not be erected within 660 ft. of the nearest edge of the Interstate Highway System in such a manner that the message may be read from the Interstate Highway. No political signs may be located at the interstate interchanges.

4.8.4. Permitted Signs With a Permit - The following on-premises signs shall be permitted in all districts with a permit:

1. *Housing project sign* - A single sign not over thirty-two (32) sq.ft. describing a multi-family housing project or a subdivision.
2. *Subdivision sign* - A single sign not over thirty-two (32) sq.ft. describing a subdivision.
3. *Non-residential principal building or use sign* - A single sign not over sixteen (16) sq. ft. describing a non-residential principal building or use on the premises.

4.8.5. Signs in the Rural District - In the Rural District the following on-premises signs shall be considered accessory to the principal use of the premises on which they are located:

1. *Farm product signs* - A maximum of two (2) signs describing farm products raised or produced on the premises. The maximum sign size shall not exceed sixteen (16) sq.ft.

4.8.6. Signs In Residential Districts - In the Residential A and Residential B Districts the following on-premises signs shall be considered accessory to the principal use of the premises on which they are located:

1. *Housing project or subdivision sign* - A maximum of two (2) signs whose combined area shall not exceed thirty-two (32) square feet, describing a multi-family housing project or a subdivision on the premises.
2. *Non-residential sign* - A maximum of two (2) signs whose combined area shall not exceed sixteen (16) square feet, describing a non-residential principal building of less than 5,000 square feet gross floor area or use on the premises.
3. *Non-residential sign for larger site developments* - A maximum of one sign located at each street entrance whose area shall not exceed sixteen (16) square feet and describing a non-residential principal building or buildings in excess of 5,000 square feet gross floor area or use. Additional signage shall be permitted on the interior of such site developments provided that each individual sign has a maximum size of sixteen (16) square feet and is set back a minimum of 30 feet from all property lines.
4. *Prohibited signs* - Notwithstanding the provisions of this section roof signs and internally illuminated signs are prohibited in the residential districts.
5. *Scoreboards* - Notwithstanding the provisions of this section scoreboards are permitted in the residential districts and are not subject to the preceding regulations including size. The content of a scoreboard shall be generally limited to the score, period, time, and other information pertinent to the sporting activity, the name of the school and team. Scoreboards may contain limited product advertising provided it is not back-lighted and is limited to 10 sq. ft.

4.8.7. Signs in the Commercial Districts

1. *Signs in the Business District and Rural Business District* - Two (2) of the following on-premises sign options identifying on-premises business names, uses or goods sold or services rendered shall be allowed for uses in the Business District and the Rural Business District:
 - a. One (1) freestanding sign, not to exceed thirty-six (36) square feet.

- b. Wall signs not to exceed one and one-half (1-1/2) square feet of area for every running foot of building frontage. The aggregate area of all wall signs on the premises shall not exceed one hundred fifty (150) square feet.
 - c. One (1) projecting or roof sign not to exceed thirty-six (36) square feet in area.
- 2. *Signs in the Business B District* - Two (2) of the following on-premises sign options identifying on-premises business names, uses or goods sold or services rendered shall be allowed for uses in the Business B District provided total signage does not exceed 250 square feet in area.
 - a. One (1) freestanding sign, not to exceed fifty (50) square feet in area.
 - b. Wall signs not to exceed two square feet of area for every running foot of building frontage. The aggregate area of all wall signs on the premises shall not exceed two hundred (200) square feet.
 - c. Projecting signs not to exceed (25) square feet in area.
- 3. *Signs in the Commercial Service District* - The following on-premises signs, identifying on-premises business names, uses or goods sold or services rendered shall be allowed for uses in the Commercial Service District:
 - a. One (1) freestanding sign, not to exceed thirty-six (36) square feet.
 - b. Wall signs not to exceed two (2) square feet of area for every running foot of building frontage. The aggregate area of all wall signs on the premises shall not exceed two hundred (200) square feet.
 - c. One (1) projecting, or roof sign not to exceed seventy-two (72) square feet in area.
 - d. Industrial Parks, as defined, may erect one industrial park sign per entrance. Such sign shall not exceed fifty (50) square feet.
- 4. *Signs in the Interchange District* - The following on-premises signs, identifying on-premises business names, uses or goods sold or services rendered, shall be allowed for uses in the interchange District:
 - a. One (1) freestanding, projecting, or roof sign not to exceed one hundred fifty (150) square feet in area.
 - b. Wall signs not to exceed four (4) square feet of area for every running foot of building frontage. The aggregate area of all wall signs on the premises shall not exceed four hundred (400) square feet.

- c. Industrial parks, as defined, may erect one (1) industrial park sign per entrance. Such sign shall not exceed fifty (50) square feet.
- 5. *Signs in the Village Commercial and Village Commercial II Districts* - Two (2) of the following on-premises sign options identifying on-premises business names, uses or goods sold or services rendered shall be allowed for uses in the Village Commercial Districts provided total signage does not exceed 30 square feet in area.
 - a. One (1) freestanding sign not to exceed twenty-four (24) square feet in area and fifteen (15') feet in height.
 - b. Wall signs not to exceed twelve (12) square feet in area.
 - c. Projecting signs not to exceed (12) square feet in area.
 - d. *Prohibited signs* - No roof signs shall be permitted in the Village Commercial District.
 - e. *Shopping center signs* - Shopping Center Signs shall be allowed in conformance with *Article 4.8.7.7*, provided the sign does not exceeds twenty (20') feet in height.
- 6. *Fuel sales* - In addition to signs allowed under *Article 4.8.7* of the Ordinance, uses selling gasoline or diesel fuel may display one on-premises sign not to exceed sixteen (16) square feet in area, advertising the price of said gasoline or diesel fuel.
- 7. *Signs in shopping centers* – In lieu of signs allowed under *Article 4.8.7* of the Ordinance, Shopping centers, as defined, each tenant within the shopping center may have a projecting or roof sign (where permitted) not to exceed thirty-six (36) square feet. Additionally each tenant within the shopping center shall be allowed wall signs not to exceed thirty (30) square feet. Notwithstanding the foregoing limitation on wall signage the wall signs may be increased to fifty (50) sq. ft. if both the exterior wall of the tenant space is 50 feet or more from the street frontage and if that tenant has a floor area of at least 10,000 sq. ft. Shopping centers shall not have individual freestanding signs for each tenant, but instead shall have one common freestanding sign identifying the shopping center and the tenants therein. The overall size of the freestanding shopping center sign shall not exceed sixty (60) sq. ft. The shopping center freestanding sign may include a place name for the shopping center located at the top of the sign not to exceed twelve (12) sq. ft. in area and shall include tenant identification not to exceed forty-eight (48) sq.

ft. in area. No one tenant's sign content shall exceed twenty-four (24) sq. ft. of the shopping center sign's area and shall not be less than six (6) sq. ft. unless the space demands on the sign requires it. The tenant area of the shopping center sign may either be utilized by identifying the name of the tenant's premises (such as Smith's Pet Shop) or by categorically identifying what the tenant's use is (such as bakery or florist). Additional signage shall be permitted on the interior of such shopping centers to provide building identification and serve onsite pedestrian and vehicular movements provided that each individual sign has a maximum size of sixteen (16) square feet and is set back a minimum of 20 feet from all property lines.

4.8.8. Signs in the Industrial Districts – The following on-premises signs, identifying on-premises business or industrial uses, shall be allowed on conforming uses in the Industrial District, the Industrial Park District, and the Industrial 2 District:

1. One freestanding, projecting or roof sign not to exceed one hundred (100) square feet in area;
2. Wall signs, not to exceed four (4) square feet of area for every running foot of building frontage. The aggregate area of all wall, signs on the premises shall not exceed four hundred (400) square feet;
3. Industrial Parks, as defined, may erect one Industrial Park sign per entrance. Such sign shall not exceed fifty (50) square feet.

4.8.9. Maintenance of Signs - All signs shall be properly maintained and kept. Any sign which advertises a business, product, activity, or campaign which is no longer operative or extant shall be removed by the owner, agent, or person having the beneficial use of the structure or lot upon which such sign may be found, within ten (10) days after written notification from the town manager or Code ~~Enforcement Officer~~Official. Upon failure to comply with such notice, the Code ~~Enforcement Officer~~Official or Town Manager is hereby authorized to cause removal of such sign, and any expense incident thereto shall be paid by the owner of the building or lot to which the sign is attached.

4.8.10. Removal of Unlawful Signs

4.8.10.1. Removal of Unlawful On-premises Signs.

1. Notice to remove - The owner of a sign which was or is unlawfully erected or maintained either prior to or after the effective date of this ordinance shall be in violation of this ordinance until the sign is removed. The owner of the sign shall remove the sign within 30 days of receipt of a notice to remove, sent by certified mail, return receipt requested, by the Code [Enforcement Officer](#)~~Official~~. If the identity of such owner is not known or reasonably ascertainable by the Code [Enforcement Officer](#)~~Official~~, such notice may instead be sent to the owner of the land on which the sign is placed. ~~All removed signs shall be held at the Transfer Station for a period of 30 days before they are disposed of.~~
2. Code [Enforcement Officer](#)~~Official~~ to remove sign - If the owner fails to remove the sign as required, the Code [Enforcement Officer](#)~~Official~~ shall remove the sign at the expense of the owner without any further notice or proceeding and may recover the expense of this removal from the owner. All removed signs shall be held at the Transfer Station for a period of 30 days before they are disposed of.
3. Procedure for notice, hearing, appeal. The procedure for notice, hearing and appeal is as follows.
 - a. The Code [Enforcement Officer](#)~~Official~~ shall send to the sign owner notice by certified mail, return receipt requested, that a sign is to be removed. Such notice shall be a final order if not appealed under Article 4.8.10.4.B. If the identity of such owner is not known or reasonably ascertainable by the Code [Enforcement Officer](#)~~Official~~, such notice may instead be sent to the owner of the land on which the sign is placed.
 - b. The person owning or controlling the sign may, within 30 days of his receipt of the notice to remove, appeal the order of removal to the Board of Appeals pursuant to Article 6 of this ordinance. All appeals shall be subject to the provisions of the Town of Hampden Board of Appeals Ordinance including but not limited to filing deadlines, application requirements, fees, appeal procedures, decisions of the Board of Appeals and subsequent appeals to Superior Court.

4.8.10.2. Removal of Unlawful Off-premise Signs.

1. Notice to remove- Because of the difficulty to identify those individuals that own, erect or established off-premise signs, the Code Enforcement Officer shall contact the subject of the sign or their local representatives. The subject of the sign or their local representative shall remove the sign within 48 hours of receipt of a notice to remove, sent by certified mail, return receipt requested, by the Code ~~Enforcement Officer~~Official. If the identity of such owner is not known or reasonably ascertainable by the Code ~~Enforcement Officer~~Official, such notice may instead be sent to the owner of the land on which the sign is placed. ~~All removed signs shall be held at the Transfer Station for a period of 30 days before they are disposed of.~~
2. Code ~~Enforcement Officer~~Official to remove sign - If the owner fails to remove the sign as required, the Code ~~Enforcement Officer~~Official shall remove the sign at the expense of the owner without any further notice or proceeding and may recover the expense of this removal from the owner. All removed signs shall be held at the Transfer Station for a period of 30 days before they are disposed of.

4.8.10.3. Removal of signs from Right of Ways. Notwithstanding the notice to remove provisions of this Article the Code Enforcement Officer, Public Works Director and Public Safety Director shall have the authority to immediately remove signs located in public right-of-ways that are deemed to constitute a traffic hazard or impede snow removal. In such cases notification of the removal of the sign may be after the fact. Notice of removal shall be sent by certified mail, return receipt requested, by the Code ~~Enforcement Officer~~Official. All removed signs shall be held at the Transfer Station for a period of 30 days before they are disposed of.